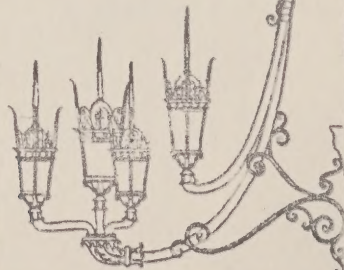



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REQUEST FOR NOTICE TO PROCEED

FOR

**FORT POINT DOWNTOWN WATERFRONT
MUNICIPAL HARBOR PLAN**

A MUNICIPAL HARBOR PLAN OF THE CITY OF BOSTON

City of Boston

Thomas M. Menino, Mayor

Boston Redevelopment Authority

Mark Maloney, Director

Clarence J. Jones, *Chairman*
Consuelo Gonzales-Thornell, *Treasurer*
Joseph Nigro, *Co-Vice Chairman*
Michael Taylor, *Co-Vice Chairman*
Christopher J. Supple, *Member*
Harry Collings, *Secretary*

Prepared by
Nancy Tentindo, Deputy Director of Planning
Richard McGuinness, Senior Planner

September 2001

PUBLIC NOTICE

The City of Boston through the Boston Redevelopment Authority (BRA) has submitted to the Massachusetts Executive Office of Environmental Affairs Office of Coastal Zone Management a Request for Notice to Proceed on the Fort Point Channel Downtown Waterfront Municipal Harbor Plan M.G.L. Chapter 21A sec. 4A, 301 CMR 23.00. Copies of this document are available for review at Massachusetts Coastal Zone Management, 251 Causeway Street, Suite 900. Copies have also been placed at the Kirstein Business Branch of the Boston Public Library, 20 City Hall Avenue; South Boston Branch Library, 646 East Broadway; the BRA Secretary's Office on the 9th floor, City Hall; and the Harbormasters Office, at 34 Drydock Ave., South Boston.

Comments on the Request for Notice to Proceed may be submitted to Robert Durand, Secretary of Environmental Affairs, 251 Causeway Street, Suite 900, Boston, MA 02114 until Friday, October 26, 2001.

A public hearing on the Request for Notice to Proceed is scheduled for Thursday, October 11, 2001 at the Children's Museum, 300 Congress Street, Boston, MA at 6:00 P.M.

If you have any questions please contact Richard McGuinness, Senior Waterfront Planner at (617) 918-4323.

Sep 24

Boston Redevelopment Authority

Boston's Planning & Economic
Development Office

Thomas M. Menino, *Mayor*
Clarence J. Jones, *Chairman*
Mark Maloney, *Director*

One City Hall Square
Boston, MA 02201-1007
Tel 617-722-4300
Fax 617-248-1937

September 17, 2001

Thomas W. Skinner, Director
Office of Coastal Zone Management
Executive Office of Environmental Affairs
251 Causeway Street
Suite 900
Boston, MA 02114

RE: Request for Notice to Proceed for Fort Point Downtown Waterfront Municipal Harbor Plan

Dear Mr. Skinner:

I am pleased to submit to you the enclosed Request for Notice to Proceed for the Fort Point Downtown Waterfront Municipal Harbor Plan in accordance with state Harbor Planning regulations (301 CMR 23.00). The BRA looks forward to working with you, members of your staff and the Municipal Harbor Plan Advisory Committee in developing this plan.

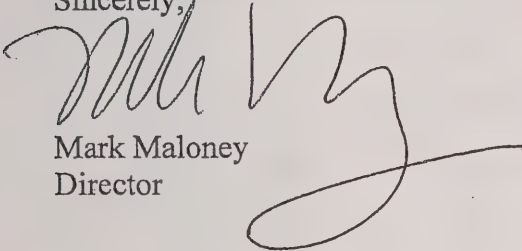
The Fort Point Downtown Waterfront Municipal Harbor Plan builds upon other planning efforts in the Fort Point Channel area, such as the Fort Point Channel Watersheet Activation Plan, the Downtown Municipal Harbor Plan, and harbor planning efforts in South Boston and East Boston. The Request for Notice to Proceed outlines our proposed planning program and highlights key issues in this area. We will analyze the need for substitute provisions from the requirements of the Waterways Regulations, as appropriate, for particular areas of the Fort Point Downtown Waterfront.

The Request for Notice to Proceed indicates our recommendation for the development of a phased Municipal Harbor Planning process. The phased approach would allow for those planning areas where there are projects with substantially completed design and public review to be studied in the appropriate timeframe by the City's Municipal Harbor Plan Advisory Committee and recommendations made as necessary on substitute provisions and offsets.

Mr. Skinner
Page 2
September 17, 2001

I look forward to continuing to work with you and your staff as we continue the process of planning for the future of Boston Harbor.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark Maloney', with a long, sweeping horizontal line extending to the right.

Mark Maloney
Director

cc: Nancy Tentindo, Deputy Director of Planning, BRA
Richard McGuinness, Senior Waterfront Planner, BRA
Deerin Babb-Brott, Regional Planner, CZM
Sharon Pelosi, Chief, Waterways Program, DEP
Municipal Harbor Plan Advisory Committee, Rod McDonald, Chair

FORT POINT DOWNTOWN WATERFRONT MUNICIPAL HARBOR PLAN - REQUEST FOR NOTICE TO PROCEED

TABLE OF CONTENTS

1.0 INTRODUCTION

- 1.1 Massachusetts General Laws Chapter 91, The Waterways Regulations and The Municipal Harbor Plan Regulations
- 1.2 Municipal Harbor Planning

2.0 HISTORIC AND PLANNING BACKGROUND

- 2.1 History of the Fort Point Channel
- 2.2 Planning Context
 - 2.2.1 Other Planning Efforts
- 2.3 Planning Objectives For the Fort Point Channel
- 2.4 Central Artery Public Realm Improvements in the Fort Point Channel
 - 2.4.1 Harborwalk
 - 2.4.2 Open Space/Landscaping
 - 2.4.3 Water Transportation
 - 2.4.4 Infrastructure
- 2.5 Relationship to Central Artery Air Rights Restoration

3.0 THE FORT POINT DOWNTOWN WATERFRONT PLANNING AREA

- 3.1 Geographic Area
- 3.2 Parcels in the Planning Area
- 3.3 Congress Street Bridge/Boston Tea Party Museum Reconstruction
- 3.4 Issues facing the Planning Area

4.0 FORT POINT CHANNEL WATERSHEET PLANNING

- 4.1 The Fort Point Channel Watersheet Activation Plan
- 4.2 New Uses For the Fort Point Channel
- 4.3 Source of Offsets

5.0 THE MUNICIPAL HARBOR PLAN PROCESS

- 5.1 Management
- 5.2 Developing a Phased Municipal Harbor Plan
- 5.3 Proposed Phasing and Schedule
- 5.4 Planning Program Work Tasks
 - 5.4.1 Existing Planning Information
 - 5.4.2 Review Fort Point Channel Watersheet Activation Plan
 - 5.4.3 Open Space and Public Space Requirements

- 5.4.4 Tailoring Chapter 91 Regulations, 310 CMR 9.00
- 5.5 Implementation of the Municipal Harbor Plan

6.0 ADDITIONAL PROVISOS

- 6.1 Ten Year Effective Period
- 6.2 Consistency with CZM Harbor Planning Guidelines
- 6.3 Consistency with State Tidelands Policy Objectives and Associated Regulatory Principles

7.0 MUNICIPAL HARBOR PLAN PHASE I

- 7.1 Introduction
- 7.2 Public Process
- 7.3 Planning Objective for Phase I
 - 7.3.1 Existing Planning Information
 - 7.3.2 Review Fort Point Channel Watersheet Activation Plan
- 7.4 Tailoring Chapter 91 Regulations
- 7.5 Phase I Scheduling

FORT POINT DOWNTOWN WATERFRONT MUNICIPAL HARBOR PLAN - REQUEST FOR NOTICE TO PROCEED

1.0

INTRODUCTION

This Request for Notice to proceed for the City of Boston's Fort Point Downtown Waterfront Municipal Harbor Plan is submitted to the Director of Coastal Zone Management of Environmental Affairs of the Commonwealth by the Boston Redevelopment Authority in accordance with 301 CMR 23.00, et. seq., Review and Approval of Municipal Harbor Plans. The Fort Point Downtown Waterfront Harbor Planning Area shown in **Figure 1** comprises approximately 37.34 acres of land and 44.02 acres of adjacent Fort Point Channel watersheet. The seven parcels of land within jurisdiction of M.G.L. Chapter 91 are bounded by the southern edge of the Old Northern Avenue Bridge to the north, the Fort Point Channel to the east, and generally to the south. It is bounded on the west by Atlantic Avenue from the Old Northern Avenue Bridge south as far as Summer Street, then along Summer Street easterly to 255 Summer Street (Formally Stone & Webster Building), southerly along the westerly side of the 255 Summer Street Building, the Postal Service facility, and down south to the Dorchester Avenue Bridge. The Fort Point Channel is a narrow body of water located between the City's Financial District and the South Boston Waterfront. **Figure 2** provides the current land uses and building footprints for the seven parcels. The Fort Point Downtown Waterfront Municipal Harbor Plan provides an opportunity to build on other planning efforts in the Fort Point Channel area, such as the Fort Point Channel Watersheet Activation Plan, the Downtown MHP, Harbor planning efforts for the South Boston Waterfront District and East Boston, and the Central Artery Corridor Master Plan in order to create a comprehensive approach for developing the unique resources of the area.

1.1

MASSACHUSETTS GENERAL LAWS CHAPTER 91, THE WATERWAYS REGULATIONS AND THE MUNICIPAL HARBOR PLAN REGULATIONS

Chapter 91 of the Massachusetts General Laws, the Public Waterfront Act, and 310 CMR 9.00, the Waterways Regulations, protect the public's rights on private and Commonwealth tidelands. The Waterways Regulations include provisions that allow a municipality to develop local standards that either expand upon (called Amplifications) or reduce numerical standards (called Substitute Provisions) in the regulations provided that the intent of the regulations is met and that mitigation measures (called Offsets) are provided.

Through the vehicle of Chapter 91 of the Massachusetts General Laws (Chapter 91), the Commonwealth vested the Department of Environmental Protection (DEP) with the general care and supervision of its harbors, tide waters and tidelands. The Commonwealth also charged the DEP to preserve and protect the rights of the inhabitants of Massachusetts in the tidelands by ensuring that uses of the tidelands are limited to water-dependent uses or uses that otherwise serve a proper public purpose. Chapter 91 conferred upon the DEP the means to fulfill this

statutory mandate by granting the DEP the authority to issue licenses which prescribe terms and conditions for use and development of tideland areas (Chapter 91 Licenses).

The DEP responded to this mandate by establishing comprehensive regulations to preserve, protect and promote the public's rights and interest in the tidelands (310 CMR 9.00, the Waterways Regulations). Most particularly, the Waterways Regulations prescribe the conditions and criteria for the granting of a Chapter 91 License. By establishing use restrictions and height, setback and open space requirements, the Waterways Regulations seek to ensure that much of the Commonwealth's waterfront either is preserved for water dependent uses or is available for use by all of the residents of the Commonwealth.

While the Waterways Regulations are applicable to all of the Commonwealth's tideland areas that are not landlocked, the Commonwealth recognized that each harbor and each harbor-front community within the Commonwealth is unique. In order to encourage municipalities to develop long-term, comprehensive plans for their harbors which are consistent with state waterways and tidelands policies, the Commonwealth established a voluntary procedure by which cities and towns may obtain approval of Municipal Harbor Plans from the Secretary of Environmental Affairs (301 CMR 23.00 - the MHP Regulations). These individual Municipal Harbor Plans, developed in consultation with the Massachusetts Office of Coastal Zone Management (CZM), afford each city and town the opportunity to develop a harbor plan tailored to the characteristics of the individual harbor and reflective of the planning goals of the individual community. Approved Municipal Harbor Plans in turn are used by DEP for guidance in making decisions regarding use and development of tideland areas that are responsive to local objectives and priorities and harbor-specific conditions.

The MHP Regulations also allow municipalities certain latitude with respect to the use, height, set back and open space limitations of the Waterways Regulations, provided the substitute requirements proposed by the municipality are consistent with the mandate of Chapter 91 to protect and preserve the rights of the Commonwealth's inhabitants in the tidelands and otherwise are consistent with the Waterways Regulations. In the context of obtaining approval for a Municipal Harbor Plan, a city or town may propose substitute provisions for specific use limitations or numerical standards delineated in the Waterways Regulations. The Municipal Harbor Plan must demonstrate that, in the context of its overall planning goals and the distinctive features of the harbor in question, the municipality's substitute provision requests will promote the state tidelands policy objectives with comparable or greater effectiveness than the corresponding provisions of the Waterways Regulations. If approved by the Secretary, the substitute provisions will be applied by DEP in lieu of the corresponding provisions of the Waterways Regulations in its evaluation of Chapter 91 License applications for the affected area.

The standards for the Secretary's review and approval of Municipal Harbor Plans also are set forth in the MHP Regulations. In approving a Municipal Harbor Plan, the Secretary must make a written determination that it is consistent with the Harbor Planning Guidelines developed by the CZM, other applicable CZM policies, and tidelands policy objectives and regulatory principles as

set forth in the Waterways Regulations. The MHP Regulations also include specific criteria for the evaluation and approval of substitute provision requests.

1.2 MUNICIPAL HARBOR PLANNING

A Municipal Harbor Plan, together with the City's zoning power and the Article 80 review process, are three powerful tools that the City has at its disposal to implement its harbor vision. The City, through the Boston Redevelopment Authority (the BRA) submitted a Municipal Harbor Plan for a portion of the waterfront for approval in October 1990 (the 1990 Municipal Harbor Plan). Then Secretary Tierney issued her decision on May 22, 1991 (the Secretary's Decision). The MHP Regulations provide that harbor plan approvals remain effective for a period of five years from the date of approval. In accordance with the MHP Regulations, the Secretary's Decision states that it would expire on May 22, 1996 unless an extension request was filed prior to that date. Through correspondence beginning in January 1996, the City requested additional time to file its renewal application and to amend the existing plan to introduce geographic areas not included in the 1990 Municipal Harbor Plan. The Secretary acknowledged that the existing harbor plan would remain in effect until the City formally submitted the 1990 Municipal Harbor Plan for renewal.

The renewal of the 1990 Municipal Harbor Plan (MHP Renewal) is one of a series of steps planned by the City to complete its harbor planning process. The size and complexity of Boston Harbor make it difficult to develop a plan in a single planning process that encompasses the entire Harbor area. Also, different areas of the harbor have different characteristics and opportunities. The City, therefore, divided the harbor into districts. Relevant overlapping or Harbor-wide issues are coordinated as planning for each subdistrict proceeds.

Simultaneous with the preparation of the MHP Renewal, the BRA is proceeding with other steps in a comprehensive harbor planning process. In March 1999, the City submitted the North Station Municipal Harbor Plan Amendment to EOEA in order to add a small geographic area between North Station and the North Washington Street Bridge to the City's Municipal Harbor Plan. The BRA submitted the Charlestown Navy Yard/Building 114 Amendment to EOEA for approval in June 1999. The amendment adds a small geographic area that includes the historically significant Building 114 to the Charlestown Navy Yard District.

In July 1999, Mayor Thomas M. Menino appointed a waterfront-wide committee to assist the BRA with the development of a series of Municipal Harbor Plans for the City of Boston in response to the Chapter 91 Municipal Harbor Plan requirements for a harbor planning group. The Municipal Harbor Plan Advisory Committee ("MHPAC") includes community representatives from the City's waterfront neighborhoods, elected officials and representatives from state and local regulatory agencies, advocacy groups, educational institutions and commercial interests. A copy of those appointed to the Committee is included in **Appendix A**. The Committee was carefully chosen to bring a broad range of expertise and viewpoints to the task of developing a

series of Municipal Harbor Plans that are reflective of the City's planning goals for its waterfront areas. In July 2000, the BRA with the guidance of the Municipal Harbor Plan Advisory Committee submitted the South Boston District Municipal Harbor Plan to the Secretary of the EOE. The Secretary, following a consultation session issued his decision on December 6, 2000.

On September 13, 2000, the BRA began the process of developing the East Boston Municipal Harbor Plan and Designated Port Area Master Plan for sections of East Boston. A draft East Boston Municipal Harbor Plan and Designated Port Area Master Plan are expected to be reviewed this fall by the Municipal Harbor Plan Advisory Committee.

Not all of the City's harbor planning initiatives will include a Municipal Harbor Plan component. Because the City's industrial port remains critically important to the City's continued economic vitality, the BRA recently completed a new master plan for the Boston Marine Industrial Park. Also, as a member of the Boston Harbor Islands Partnership, the BRA is taking part in the development of a resource management plan for the Harbor Islands that will improve access to the islands while at the same time preserving their unique character. Finally, tying all of these planning efforts together is the BRA's Inner Harbor Passenger Water Transportation Plan that was completed in 2000. This plan focuses on maximizing landside accommodation of all levels of water transit including commuter, excursion, water taxi and the Inner Harbor Cultural Loop, as well as layover and service space.

This Request for Notice to Proceed begins the process of developing a Municipal Harbor Plan for the Fort Point Downtown Waterfront Planning Area.

2.1 HISTORY OF THE FORT POINT CHANNEL

As early as the 1700's, the Fort Point Channel was a thriving maritime waterway capable of handling any type of vessel engaged in world commerce at the time. The expansion of Boston, South Boston and Dorchester in the 1800's, combined with a need for increased wharfage space, reduced the Channel to a relatively narrow waterway. The navigation of large sailing vessels in the Channel was further hindered with the building of bridges spanning the waterway. Ship owners sought out more accessible berthing facilities as maritime related activities relocated to other parts of the city.

The first bridge built on the Channel was the South Boston or Dover/West Fourth Street Bridge which opened in 1805. It served as a promenade for Boston residents to appreciate the outstanding view of the city. It became known as the "Bridge of Sighs" because it attracted couples who met there to become engaged.

In 1840, the Boston Harbor Commission attempted to set limits on development by legally defining how far wharves could be extended out into the harbor. The Boston Wharf Company, founded in 1836, obtained rights to the Mud Flats in South Boston and began building wharves out to the extent of the legal limits. The land along the Channel was completely filled in by the 1880's, with some of the fill coming from the debris of the Great Fire of 1872 .

As they filled in the Flats, the Boston Wharf Company "defined" the Channel with a granite seawall. The City and the Commonwealth encouraged private developers to build stone seawalls to prevent run-off from the Flats clogging the Channel. The Boston Wharf Company switched from wharfage to real-estate development and quickly became the most influential developer of the Fort Point Channel, constructing many of the masonry buildings still standing today.

In 1899, South Station opened on the Boston side of the Channel, replacing four depots serving the southern part of Boston. This helped reinforce the Fort Point Channel as a hub of rail activity.

Three drawbridges span the channel between Northern Avenue and Broadway. Collectively they represent the early development of moveable bridge design in the United States: The Summer Street Bridge, 1899, is a retractile drawbridge; the Old Northern Avenue Bridge, 1906-1908, a swing bridge; and the Congress Street Bridge, 1926, a bascule counterweight drawbridge.

By the 1920's, the South Boston waterfront, including the Fort Point Channel, was one of the busiest in the country. In 1900, it employed 50% of Boston's industrial workers. The Gillette Company opened its South Boston facility in 1908. During this time, the Channel was a major warehousing and distribution center for the City's wool and ice industries. The American Sugar Refining Company was a prominent anchor at the bend of the upper Channel, creating

warehousing and distribution for sugar and molasses. Lumber, coal, bananas and leather were other commodities commonly stored and distributed through the Channel.

The Channel remained an important piece of the Boston industrial economy into the 1930's, but certain of its physical traits would prove a liability. The large ocean-going ships could no longer sail into the narrow Fort Point Channel. Smaller ships that could sail into the Channel preferred not to negotiate the narrow bridge openings.¹

The second half of the 20th century saw the Fort Point Channel and much of Boston's waterfront decay as technological and economic changes rendered much of Boston's maritime industrial infrastructure obsolete. The warehousing and distribution businesses that had flourished only a few decades earlier moved away from the area, leaving a surplus of vacant buildings. The focus of new development turned away from the harbor and Fort Point Channel.

Later development in the area included the United States Postal Facility, the Boston Edison substation, and later, the Federal Reserve Building, 245 Summer Street and 303 Congress Street. The development of the Postal Facility resulted in the closure of Dorchester Avenue to vehicular and pedestrian access.

The arrival in the late 1970s of the artist community, the Children's Museum and the Tea Party Museum added a new cultural and tourist-related dimension to the district. This new element has resulted in the creation of an unusual urban enclave along the Fort Point Waterfront where small businesses, residents, light manufacturing concerns, offices, artists and retailers co-exist.

The following historic resources within the planning area are determined eligible for the National Register:

- Fort Point Channel Seawalls
- Congress Street Bridge
- Summer Street Bridge
- Russia Wharf Buildings

Two major public works projects, the Boston Harbor cleanup and the Central Artery/Tunnel Project, will have dramatic and positive impacts on the Fort Point Channel. The Boston Harbor cleanup has significantly improved water quality and clarity throughout Boston Harbor, creating consistently swimmable beaches and increased fish stocks. The clean-up has removed psychological barriers as well creating renewed interest in meaningful public waterfront access. With the promise of reconnecting the downtown to the waterfront, the removal of the Central

¹ Fischer, Michael A. Waves of Change, A Study of the Past, Present and Future of South Boston's Fort Point Channel. MIT 11.301J Urban Design and Development, October 20, 1997 (edited for use in this document)

Artery elevated highway will have enormous impacts on the Fort Point Channel, which will have superior access to the new parks and civic facilities to be developed on the air-rights, particularly around Dewey Square.

2.2 PLANNING CONTEXT

The Fort Point Downtown Waterfront area has been the subject of extensive planning for many years. In addition, due to its proximity to the Central Artery and MBTA Silver Line Projects and South Station, it has been the subject of regulatory review. Related plans include the following:

- *Fort Point Channel Watersheet Activation Plan, ongoing.* Draft plan anticipated in October 2001, with a final plan expected by the end of the year. This project is jointly sponsored by the City of Boston, the Fort Point Channel Working Group, and the Fort Point Channel Abutters Group. The purpose of the plan is to develop a watersheet activation plan and implementation strategy for the Fort Point Channel. The goals of the planning effort include enhancing the Channel for a variety of water-dependent uses, to activate the Channel and its edges, to enhance public access to the water's edge, to preserve and enhance the historic character of the Channel and its environs, and to develop a detailed and realistic implementation strategy.
- *The South Boston Public Realm Plan, BRA, 1999.* In 1999 the Boston Redevelopment Authority issued a public realm plan for South Boston, opposite the Fort Point Channel from the Fort Point Channel Downtown Waterfront Planning Area. Although focused on the South Boston Waterfront, it provides a framework for Fort Point Channel Downtown planning as well. It identifies the transportation connections to the South Boston Waterfront, all of which come through the Fort Point Channel Downtown. It presents pedestrian connections, Harborwalk, water transportation, land use, and open spaces. It indicates that the Fort Point Channel area has the potential to become the next great place in the City, where the special place is the water, framed by commercial, office and residential uses in buildings of varying size and height.
- *South Boston Municipal Harbor Plan, July 2000.* In order to implement its Public Realm Plan, the BRA, elected to develop a Municipal Harbor Plan for the South Boston Waterfront to create a harbor plan and public realm more in keeping with Boston's urban character and mixed-use economy than would have resulted under the strict application of the Waterways Regulations. A series of substitute use and dimensional requirements was presented with corresponding offsets provisions that, when implemented, will create an inviting and active public waterfront environment. The principles upon which the City, working in concert with the Municipal Harbor Plan Advisory Committee and the state, based their work in the development of the South Boston Municipal Harbor Plan were to:
 1. Enhance open space access;
 2. Avoid privatization of the shoreline;

3. Minimize adverse effects of wind and shadow;
4. Identify substitutions and quantifiable offsets to ensure enforceability;
5. Promote offsets that are valued by the public consistent with the expressed in public comments; and
6. Ensure that developments are carried out in manner that protects public rights in both filled and flowed tidelands.

The Plan was submitted in July 2000 to the Executive Office of Environmental Affairs. The Secretary issued a Decision on the Plan in December 2000.

- *Port of Boston Economic Development Plan, BRA/Massport, 1996.* Due to changes in the nature of maritime activity, sections of real estate along the Inner Harbor are no longer viable for maritime industry. The Fort Point Channel area was once a bustling component of the Port of Boston. As central Boston grew and became more densely settled as an urban area, it became too congested for expanding port needs and proved unworkable for direct cargo to rail service to the waterfront. The Channel is currently constrained by the clearance below both the Old Northern Avenue Bridge when closed, and the Moakley Bridge. The area is not suitable for significant industrial port related land use, but is suitable for water-dependent uses.
- *South Boston Transportation Study, July 2000.* The South Boston Transportation Study was undertaken by the Boston Transportation Department in association with the BRA and Massport. The purpose of the Study was to examine the cumulative transportation impacts of all the land development that was envisioned for the South Boston Waterfront, including the full build out of the South Boston Waterfront anticipated in the Public Realm Plan. The study analyzed the effects of infrastructure improvements and the transportation impacts of new development at several future milestones. The study found that the new transportation system would be able to support the land development projected for 2010, approximately 27 million square feet. It further found that the transportation system could accommodate the trips generated by the 31 million square feet of development projected for the 2025 scenario, but these trips begin to saturate the system's capacity. For the 2040 scenario, the study found that the currently planned transportation system cannot support the travel demand generated by the 38 million square foot full build out of the South Boston waterfront, and therefore would require new, significant transportation infrastructure improvement.
- *City of Boston Passenger Water Transportation Plan, BRA, 2000.* The greatest demand for increased public berthing space and expanded terminal facilities is along the downtown waterfront, particularly relating to the central business district and visitor attractions. The first goal of this plan is to develop a state of the art 21st century ferry network with an expanded and enhanced terminal and service network. Terminal sites were prioritized according to function with secondary terminals providing sites for the Inner Harbor network

as opposed to those serving larger commuter ferries. The Russia Wharf/Boston Edison (BEco) site was selected as a secondary terminal because of its short walking distance to South Station and the financial district via the Pearl Street view corridor connection.

- *South Bay Harbor Trail. City of Boston Office of Environmental Services, the South Bay Harbor Trail Coalition and Save the Harbor/Save the Bay:* The proposed pedestrian and bicycle South Bay Harbor Trail is planned to connect Ruggles Station, Melnea Cass Boulevard, along Boston Medical Center/Biosquare, I-93 past Rotch Park, Broadway Bridge to the Fort Point Channel and ultimately Fan Pier. The Trail will create an important two-way connection. for residents from Roxbury, South End and Chinatown to walk and bike to the Channel and the harbor's edge making connections to the and the islands, and people from South Boston will be able to connect to the Southwest Corridor Park System and Emerald Necklace Park systems.
- *Harborpark Plan: The City of Boston Municipal Harbor Plan, BRA, 1990.* The Fort Point Channel Downtown Municipal Harbor Plan area is immediately adjacent to the harbor planning area that was the subject of the City of Boston's 1990 Municipal Harbor Plan. The Harborpark Plan was submitted in October 1990 and the Secretary's Decision was issued in May 1991. In the 1990 Municipal Harbor Plan, the City submitted a broad geographic area based on the city's Harborpark zoning districts that extended from the Charlestown waterfront to South Boston. The Fort Point Downtown Waterfront area was not part of the 1990 submittal. Nonetheless, baseline planning and design requirements of the 1990 Harborpark Plan including Harborwalk have been applied through BRA design review and zoning.
- *Old Northern Avenue Bridge Section 106 Process.* The City of Boston, through its Department of Public Works, is pursuing the replacement of the existing Old Northern Avenue Bridge superstructure with a pedestrian-only span. In order to do so , the City is required to submit information to the Massachusetts Historic Commission (MHC) pursuant to Section 106 of the National Historic Preservation Act of 1966. This approach was adopted in December 1999 after an attempt to redevelop the Bridge site as a mixed-use project failed and the developer that had been designated by the BRA withdrew its proposal. In the interim, the Bridge is opened and closed on demand for the passage of masted or other vessels that cannot pass under the Bridge when it is closed. When the MBTA begins water transportation shuttle service to the Fort Point Channel, the Bridge will be placed into the open position to allow for the shuttle's frequent trips into and out of the Channel.
- *Central Artery Corridor Master Plan, May 2001. Central Artery Plan Steering Committee.* As a result of the CA/T Project, a downtown corridor of approximately 30 acres of surface land stretching from Bulfinch Triangle to Chinatown will become available for reuse. This land is to be developed under the terms of the Boston 2000 Plan and Boston Zoning Code Article 49, adopted in 1991, and the Project's Environmental Certificates, which incorporated the Boston 2000 Plan as an integral element of the Central Artery Project. Within this

corridor the Project will construct two tree lined boulevards and their intersecting cross streets, all of which have reached Final Design and have been advertised for bids. Of the remaining surface area, four parcels of land are adjacent to the Harbor Plan Area. Under the terms of the Project's MEPA Certificate, the three parcels between Summer Street and Oliver Street are designated for development by the Massachusetts Horticultural Society. This designation calls for the Society to construct a major glass house on the parcel between Oliver and Pearl Street, and gardens on the parcels between Pearl and Summer Street. When developed, specific proposals will be subject to MEPA review as well as review under the City's zoning regulation. The Society is currently exploring the feasibility of these concepts. Parcel 18, between Oliver and High Street is a park parcel for which the Project has prepared a Final Design. The Project's recently completed "Master Plan", which proposes programmatic and design guidelines for the corridor, recommended replacing this design with a project that would construct a building of civic or cultural use over the ramps in the parcel and landscape the balance of the site. The Project, the City and the surface development advisory committee, the Mayor's Central Artery Completion Task Force, will consider this recommendation during the coming year.

Central Artery/Third Harbor Tunnel Environmental Impact Report and Chapter 91 License. The I-90 Crossings of the Fort Point Channel and construction of Ventilation Buildings 1 and 3 in the flowed and filled tidelands in/along the Channel have lead to a number of proposed improvements to the Channel and adjacent waterfront parcels. These improvements were identified in the CA/T Project EIR and adopted in the 1993 final Chapter 91 Written Determination for the CA/T Project. As described in the 1990 CA/T Final Supplemental Environmental Impact Report, improvements proposed for the Fort Point Channel area include: over 2,500 feet of public walkways in areas of the Fort Point Channel formerly not accessible to the public; the creation of open space on the west side of West Fourth Street and Broadway Street Bridges, Vent Building 1 and Mt Washington Avenue; the reconstruction of the Broadway and Dorchester Avenue bridges. Navigational improvements to the Channel include the removal of over 800 miscellaneous wooden pilings located throughout the Channel. In the area of the 500 Atlantic Avenue Ventilation Building 3 site, CA/T project-related waterfront improvements adopted in the CA/T Chapter 91 license include two public accessways from Atlantic Avenue to the water, and a continuous channel-front public accessway between the Evelyn Moakley Bridge and Summer Street. Additional improvements include a public water transportation terminal providing the closest water transportation connection to the South Station intermodal transportation facility. In addition, the 1993 final Chapter 91 Written Determination for the CA/T project required the CA/T Project develop a Joint Plan with the MBTA and the owners of the 500 Atlantic Avenue property that would contain "such further mitigation as is appropriate with respect to the proposed Transitway and the full build out of the site for commercial purposes." This Joint Plan requirement was, in part, a response to the concern expressed in the Certificate on the SFEIR as to the "visual and aesthetic impacts on the City and its environs" of the ventilation building and associated ventilation stacks.

- *MBTA South Boston Piers/Fort Point Channel Transitway.* The Transitway is a proposed 1.5 mile underground transit tunnel connecting the Silver Line (under construction) from the Boylston Green Line Station to the World Trade Center in the South Boston Piers area. The Transitway offers the Fort Point Channel area improved public transportation through the new Court House Station near Sleeper Street and direct connections at South Station to downtown Boston, development sites on the South Boston waterfront, and regional mass transit. Construction of the transit project requires the reconstruction of Harborwalk and the seawall on the eastern side of the Channel (Victoria Station). On the western side, the MBTA is assuming responsibility for the construction of the Harborwalk and piers at the 500 Atlantic Avenue property. Land taken by the MBTA at Sleeper Street for project construction will be developed as a public park. The park's design is being coordinated with the Children's Museum's proposed open space plan.
- *MWRA Combined Sewer Overflow Control Program Fort Point Channel.* There are currently two CSO control projects planned to address the most significant discharges into the Channel. The Union Park Detention/Treatment Facility, with an anticipated construction completion date of March 2005 entails the construction of 2.2 million gallons of below grade storage to capture discharges caused by small storm events and facilities to disinfect and dechlorinate flows that will continue to discharge into the Channel. The Fort Point Channel Storage Conduit, with an anticipated construction completion date of March 2007 will be a ten-foot diameter storage tunnel along A Street from 1st street to Mount Washington Street. The conduit will capture and store CSOs from most storms. CSO discharges will be greatly reduced through implementation of this program thus reducing violations of the swimming and boating standards.

2.2.1 Other Planning Efforts

- *Illuminating Boston: The Diamond Necklace Project, Light Boston, 2000.* A plan by Light Boston, Inc. a non-profit organization, recommending numerous lighting design strategies including illuminating the seawalls and old and new bridges of the Fort Point Channel to create a distinctive and coherent identity for the Fort Point Channel district.
- *Dewey Square Master Plan.* Dewey Square Urban Design Group, An Urban design plan to inform the design of the surface restoration work being prepared by the CA/T Project as well as the final design of the open spaces of adjacent private parcels.

2.3 PLANNING OBJECTIVES FOR THE FORT POINT CHANNEL

Fort Point Channel can and should be the focus of the land areas that surround it. Its location between the densely-developed Financial District and the as yet relatively undeveloped South Boston Waterfront District places this small body of water in a position to draw people from other Boston neighborhoods to the Fort Point Waterfront and across its bridges into the South Boston

Waterfront District. A high level of activation is planned for the Fort Point Channel. The Public Realm Plan envisioned the Channel becoming “the next great place in the City”. The Public Realm Plan cited the bridge crossings, streets and promenades along the Channel’s edges, boating activity, water transportation and public uses and piers as providing the potential to create a dynamic setting for a variety of uses on the land surrounding Fort Point Channel.

The Public Realm Plan discussed five planning objectives for the Fort Point Channel that are also relevant to the planning for the Fort Point Downtown.

- *Promote Access to Boston Harbor as a Shared Natural Resource*

Fort Point Channel has the potential to be an exciting new civic area for the city. New educational and cultural uses will complement existing public attractions, such as the Children’s Museum and the Tea Party Ship. New development on both sides of the Channel will create a density of population to activate use on and at the water’s edge. The sheltered waters of the Channel provide a wonderful opportunity to bring people out onto the water with new floating public uses and public boat rentals. A new water transportation facility, will connect the area to the rest of the Inner Harbor. When Harborwalk is completed on all three sides of the Channel, the City will have a new waterfront promenade with trees, benches, and light fixtures that will connect to ground floor cultural and educational uses, shops, galleries, cafés and restaurants. Activation of Fort Point Channel and the land areas surrounding it is one of the City’s primary strategies for increasing public access to waterfront areas.

- *Preserve and Enhance the Industrial Port*

The bulk of the city’s industrial port activities have migrated to other areas of Boston Harbor, such as the Boston Marine Industrial Park, the Moran Terminal and the upper areas of Chelsea Creek. Fort Point Channel itself has limited maritime industrial activities . Today, Hook Lobster, Neptune Marine Services, the Barking Crab, and Gillette are the Channel’s water-dependent uses. The Channel can become an important new water resource for the City, and is an ideal place to locate active watersheet uses, while preserving existing water-dependent uses.

- *Plan the Area as a Vital, Mixed-Use Area*

Fort Point Channel is envisioned much like a new city park. An exciting mix of public uses, including new cultural, educational and recreational uses, is planned for the Channel. While the landside areas that surround the Channel will be devoted to a mix of industrial, commercial, retail, residential, cultural and recreational uses, the City intends that the Channel itself will become a public area for residents and visitors to enjoy. An active Channel will support an active pedestrian environment, and vice versa and will enhance and draw from nearby uses.

- *Develop the Area as an Integral Part of Boston's Economy*

As an expanded cultural and educational destination, the Channel will become of even greater interest to the City's many visitors. As a new link in the City's recreational network, the Channel will provide the residents of the City's neighborhoods with a new place where they can relax and play. Fort Point Channel, less than a block away from South Station, already benefits from excellent public transportation connections on the landside, and the new South Boston Transitway will extend public transportation into the South Boston waterfront. When the Central Artery/Tunnel project completes the new water transportation facility at Russia Wharf, the area also will have water transportation connections to other areas of the Harbor. By linking the Channel to City's existing transportation, recreation and cultural networks with new pedestrian trails and streets, the area becomes an integral part of Boston.

- *Create a destination for all of Boston's neighborhoods*

Create and enhance connections to the Fort Point Channel to increase access for all of Boston's neighborhoods. All residents stand to benefit greatly from all that the Fort Point Channel will offer, including new modes of transportation, new recreational opportunities and new cultural and educational uses.

2.4 CENTRAL ARTERY PUBLIC REALM IMPROVEMENTS IN FORT POINT CHANNEL

The CA/T Project mitigation commitments include a number of improvements in and along the Fort Point Channel, including new Harborwalk segments, open space, water transportation infrastructure, and seawall reconstruction as discussed more fully below.

2.4.1 Harborwalk The CA/T Project as part of its Fort Point Channel Surface Restoration Contract will construct new Harborwalk segments at the following locations along the Fort Point Channel:

- 500 Atlantic Avenue site;
- Russia Wharf;
- Dorchester Avenue between Congress and Summer Streets, adjacent to the Federal Reserve Building;
- along the southern portion of Basin D near the new Dorchester Avenue Bridge and the new railroad bridge;
- the Gillette Company property; and
- along the Boston Wharf property in the Fort Point Historic Subdistrict, and connecting to the interior Harborwalk at 253 Summer Street.

The CA/T Project originally was slated to complete Harborwalk at 470 Atlantic Avenue as well but the project's new owner will provide Harborwalk instead as part of its overall renovation. The Harborwalk will be designed to go through the interior of the building and will connect to a new Griffin's Wharf also to be completed by the owner along the north side of the site.

2.4.2 Open space/landscaping The CA/T Project also will construct the new Cabot Cove Park near the new Dorchester Avenue Bridge, two small plazas on both sides of the western end of the Broadway Bridge, in addition to a number of landscaping commitments

2.4.3 Water Transportation The CA/T Project mitigation commitments include the requirement to build a new water transportation facility in the Fort Point Channel. This facility is sited at the Boston Edison property, but design of the terminal has not been finalized.,

2.4.4 Infrastructure The Project has reconstructed the Broadway, Old Colony and Dorchester Avenue Bridges spanning the Fort Point Channel . The Project will also reconstruct portions of the historic seawall at various locations in the Fort Port Channel..

2.5 RELATIONSHIP TO CENTRAL ARTERY AIR RIGHTS RESTORATION

As a result of the CA/T Project, approximately 30 acres of surface land in the downtown stretching from Bullfinch Triangle to Chinatown will become available for reuse. The Fort Point Channel, in close proximity to the new parcels to be created in and around Dewey Square, will benefit greatly from the dramatic improvement that will result when these parcels are developed.

The City, Commonwealth and community interests first established the framework of land uses and development guidelines for the Central Artery Project air rights with the publication in 1991 of the Boston 2000 Plan and its companion zoning, Boston Zoning Code Article 49 – Central Artery Special District. The Boston 2000 Plan was incorporated into the CA/T Project through its MEPA Certificate. Of the Central Artery parcels, those from Christopher Columbus Park south to Chinatown run parallel to Boston's Waterfront, although none of the parcels is located directly on the waterfront.

The Boston 2000 Plan strongly recommends that development of the air rights parcels be approached as an integrated and interactive whole, balancing the integrity of the corridor and its unique district characteristics. The Boston 2000 Plan also outlines basic land use and urban design guidelines for restoration and redevelopment of the air rights parcels. The Boston 2000 Plan proposed a mix of civic and open space (75%) and commercial and housing (25) uses for this critical urban corridor. Key elements of the Boston 2000 Plan are:

- A new park system and a series for public facilities in the Waterfront/Faneuil Hall area and the Financial District, including a conservatory and botanical garden.
- New neighborhood parks in both Chinatown and the North End.

- Restored historic connections across the corridor, including streets, pedestrian crossings and view corridors.
- Tree lined boulevards from Causeway Street to Kneeland Street.
- Improved and expanded pedestrian environment.
- A new surface roadway system which balances traffic needs with those of the pedestrians.

The Boston 2000 Plan did not attempt to address matters related to the implementation of the plan, such as feasibility, financing, ownership and management. In 1996, Mayor Menino and then EOTC Secretary Kerasiotis convened the Boston 2000 Working Group. Chaired by Move Massachusetts 2000 and the Artery Business Committee, the Boston 2000 Working Group was charged to develop an implementation strategy for the Boston 2000 Plan, and to update the Boston 2000 Plan based on any changed conditions.

The Boston 2000 Working Group established the following three task forces to address these issues: development and finance; disposition and open space management; and land use and urban design. In January 1998, the Boston 2000 Working Group published a Progress Report that presented the findings, conclusions and recommendations of the group. The Progress Report also generally reaffirmed the basic principles of the land use and urban design vision of the Boston 2000 Plan.

The CA/T Project environmental documents require the Commonwealth to construct the parks called for in the Boston 2000 Plan. To that end, the Massachusetts Turnpike Authority, which owns the air-rights parcels, working with the City and community representatives, recently selected a design team to produce conceptual plans for the parks. These plans will be the basis for formal park designs and contract plans. The objective is to have park construction contracts ready for construction to begin when the Central Artery viaduct is demolished in 2005. The Massachusetts Turnpike Authority also will initiate solicitations for interest in the parcels that are to be developed under the Boston 2000 Plan.

The Boston Central Artery Corridor Master Plan was released in May 2001. The Plan includes the following design principles: Build a Common Ground for All; Make Parks and Places that are Uniquely of Boston; and Design for the Future.

3.0 THE FORT POINT DOWNTOWN WATERFRONT PLANNING AREA

3.1 GEOGRAPHIC AREA

The Fort Point Channel Downtown Waterfront Planning Area, shown in **Figure 1**, consists of seven parcels of land immediately adjacent to the west side of Fort Point Channel totaling approximately 37.34 acres and 44.02 acres of Fort Point Channel watersheet from the southern edge of the Old Northern Avenue Bridge south to the West Fourth Street Bridge.

The boundary of the Fort Point Downtown Waterfront Planning Area was chosen primarily because of the area’s strong relationship both to the Downtown Waterfront to the north and the Financial District to the west. Although the elements of the South Boston Public Realm Plan that relate to Fort Point Channel and the rest of the South Boston Waterfront will both inform and provide context for this planning effort, the Fort Point Downtown Waterfront Planning Area, with its taller structures and primary commercial uses, is closely aligned with the Downtown Waterfront and the Financial District. The depression of the Central Artery will create a closer connection between the Financial District and Fort Point Channel and future development in the Fort Point Downtown Waterfront Planning Area must enhance this connection, and draw people to Fort Point Channel and the South Boston Waterfront beyond.

3.2 PARCELS IN THE PLANNING AREA

From north to south, the Fort Point Downtown Waterfront parcels and a summary of the major issues relating to each are discussed below.

Hook Lobster. The Hook Lobster parcel is less than one-half acre of land and pier, the majority of which is pile-supported structure over flowed tidelands. The existing one-story wood structure is occupied by James Hook Lobster co., a wholesale and retail distributor of fresh seafood. This water-dependent-use and structure is one of the many unique qualities of the Fort Point Channel area that is recognized and enhanced by the recommendations of the Watersheet Activation Plan. Hook Lobster employs seawater intakes for its operations and relies on favorable water quality. Development along the Channel must take into account the impacts to water quality on water-dependent users. Hook’s retail component creates a great destination for Harborwalk along the Channel. Were the site to be redeveloped, such redevelopment would likely require extensive improvements to the seawall and repair and/or replacement of the site’s dilapidated pilings. Completion of Harborwalk along the seaward edge of the parcel is a priority and particular attention must be paid to Harborwalk connections to be made both north and south of this parcel. Given the site’s small area and the expected cost of infrastructure improvements, substitute provisions to be evaluated would include height, setback, use and lot coverage/open space requirements.

470 Atlantic Site – The parcel immediately to the south of the Moakley Bridge contains a fourteen-story office building with a street address of 470 Atlantic Avenue (the “470 Atlantic Site”). The 470 Atlantic Site contains 55,496 square feet of land and pier. Approximately 50% of the site is located on piling. The CA/T project was slated to build a new pile-supported Harborwalk along the length of this site. The property’s owners are completing redevelopment of the site, restoring full public waterfront access on the new Griffin’s Wharf along the north side of the building and an interior Harborwalk and ramping system linking it to the abutting property 500 Atlantic Avenue. Other issues to be addressed include developing strategies for activating the site’s ground floor, Harborwalk and adjacent watersheet. This development offers numerous public amenities including historic exhibits, a restaurant, rooftop observatory of the Channel and 24 hour accessible public bathrooms.

500 Atlantic/BECo Site – The next parcel to the south is the former home of Boston Edison Company (BECo). The BECo now NSTAR site contains 122,000 square feet of vacant land, most of which is filled tidelands. Current CA/T Project plans will place a 240-foot tall vent structure for the depressed Central Artery on this site. Also, there is an existing agreement between the owner of the parcel, Boston Edison Company, and the Massachusetts Highway Department for construction of a 17-story mixed-use commercial building on the site with more than 300 parking spaces. The building is designed to surround the ventilation stacks, screening and vent structure from view. Boston Edison filed a DEIR/DPIR for the project on September 30, 1998 and a FEIR/FPIR on April 30, 2001. The structure will house a hotel, and residential units, and will be approximately 230 feet high. The project also will include the creation of significant public amenities, including almost 50,000 square feet of waterfront and related open space on the site, a public landing area and interior and exterior accessways to the waterfront. The project as proposed complies with Chapter 91 in all respects, except for height of the building, for which a substitute provision will be proposed. The BECo site also is one possible location for the water transit terminal to be constructed by the CA/T Project. The City’s Water Transportation Plan denotes Russia Wharf/Boston Edison as a secondary site, which should in the future serve both water shuttles and water taxis for pick up and drop off.

Other issues to be addressed include developing strategies for activating the ground floor and exterior waterfront areas; how the site can contribute to the activation off the Channel; and how the site can exploit the connection between the Russia Wharf/Boston Edison water transportation terminal and South Station.

The project proposed for the BECo site has advanced significantly in recent months. A developer and hotel operator have become involved in the project, and the Final EIR/PIR was filed with a specific design set by the developer. The ventilation stacks on the site are now under construction, and have emerged from the ground, and will soon begin to tower over the site. Since the CA/T project has arranged with BECo to have the BECo site developer wrap the stacks with commercially viable development, these stacks are not designed to contribute to the urban design of the area. The development of this site has, for years, been scheduled to begin as soon as the construction of the vent stacks and MBTA Silver Line allowed. This is in the spring of 2002.

Russia Wharf – Adjacent to the 500 Atlantic Avenue site are the three Russia Wharf buildings. Each of the buildings is seven stories high. The majority of the site is filled tidelands. The CA/T project is completing the Harborwalk along this portion of the Channel as part of the Transitway construction process. EOP-Russia Wharf, L.L.C., its owner, has requested that the CA/T Project locate the water transit facility at Russia Wharf, given the site's proximity to intermodal transportation at South Station, and EOP's experience as an operator of successful public water transportation facilities at Rowe's Wharf. The three buildings at Russia Wharf are currently used primarily for office space, with some retail and restaurant uses on the first floor of the buildings. The MBTA has taken an underground easement for the Transitway tunnel, the construction of which will prevent redevelopment of site until 2003. EOP has indicated that it intends to initiate the Article 80 and MEPA review process for the redevelopment at this time, so that rehabilitation may begin when the Transitway work is completed. EOP proposes to redevelop Russia Wharf into a mixed use project which respects the historic qualities of the existing buildings, while introducing additional new space in an office tower above the existing structures. This redevelopment will make possible the relocation of vehicular parking from the waterfront wharf to an underground garage, enhancing the waterfront and Harborwalk. Increased public access will also be made possible by means of atria passageways through the buildings from an activated Congress Street, to the Pearl Street extension which leads to the waterfront. Considering the adjacency of Russia Wharf and 500 Atlantic Avenue will also make possible the enhancement of the Pearl Street extension between the two developments, leading from Downtown to the Harborwalk and water transportation facility. The municipal harbor planning process will maximize the opportunities for great public amenities presented by the adjacent redevelopments at both Russia Wharf and 500 Atlantic Avenue. Issues to be addressed in the MHP process include consideration of the appropriate uses and design elements to best activate the Harborwalk and ground floor at Russia Wharf; whether the site is suitable for additional height and if so, the appropriate height of the new improvements; the lot coverage and open space ratios appropriate for the site; the opportunities for connection between the water transportation terminal and South Station; and the best means for Russia Wharf to contribute to the activation of the Channel.

Federal Reserve Building – The Federal Reserve building is a 600-foot high office tower located entirely on filled tidelands. The site contains 242,305 square feet of land area. The CA/T project will reconstruct the sidewalk along Dorchester Avenue adjacent to Fort Point Channel to meet the City's Harborwalk standards. The Federal Reserve is in the process of planning and re-landscaping their grounds, and developing a new museum that will focus on economic history that will be located on the ground floor. Important issues to be resolved will be coordinating the redesigned outdoor space with the Harborwalk adjacent to the site, and creating a draw between the Federal Reserve's new Museum of Economic History and the waterfront.

245 Summer Street (Formerly Stone & Webster) – 245 Summer Street is a 12-story, 154-foot high office building located entirely on filled tidelands. The site contains 81,958 square feet of land area. The building recently was purchased by Pembroke Real Estate (real estate arm of Fidelity). In the course of the municipal harbor planning process, strategies will be developed for completing Harborwalk and activating the ground floor, as well as how these elements can

contribute to the activation of Fort Point Channel. In addition, this site will have to be reviewed for potential substitute provisions that may be appropriate in the event the site is redeveloped.

Postal Annex – The Postal Annex contains several connecting buildings on 429,237 square feet of land, all of which is filled tidelands. The Postal Annex buildings are 96 feet high. The size of this parcel represents an extraordinary redevelopment opportunity. When redeveloped, Dorchester Avenue will be opened as public way. The Fort Point Downtown Waterfront MHP will need to address appropriate uses for the site, completion of Harborwalk along Dorchester Avenue, connections to South Station and other forms of public access, open space, appropriate heights, a street and block plan, and urban design guidelines.

3.3 CONGRESS STREET BRIDGE/BOSTON TEA PARTY MUSEUM RECONSTRUCTION

The Congress Street Bridge is slated for reconstruction. While the design for the reconstruction of the Congress Street Bridge is complete, the BRA is currently awaiting notification from the Boston Public Works Department of project schedule.

The Boston Tea Party Museum, which occupies structures attached to the Bridge, submitted an Environmental Notification Form (“ENF”) to the Commonwealth on August 15, 2001 for a reconstruction and expansion proposal. The proposed project requires legislation exemption to build over the Harbor Commissioner’s Line and a Chapter 91 License. The ENF does not suggest that substitutions are needed for project approval. Although this project is not a land parcel, review of its relationship to the watershed will be addressed through the MHP.

3.4 ISSUES FACING THE PLANNING AREA

The Municipal Harbor Plan will confirm and discuss how key issues that face the study area should be addressed. The issues to be considered will include at least the following:

Public Trust (Tidelands Issues)

- ◆ Develop offsets for impacts resulting from substitute provisions: Support public access to and activation of Fort Point Channel including but not limited to the Waterside and Landside resources listed below.
- ◆ Support and promote water-dependent uses including existing water-dependent users.

Economic and Development Opportunities

- ◆ Expand and develop appropriate water-dependent uses in the context of existing infrastructure and adjacent uses.
- ◆ Identify and develop tourism and cultural opportunities.

- ◆ Expand water transportation opportunities, access and commuter possibilities to other parts of Boston's Inner Harbor and beyond, as appropriate given the height restrictions imposed by the Fort Point Channel Bridges.
- ◆ Expand and encourage mixed uses, such as retail/commercial/cultural/ residential along the waterfront.

Waterside Resources

- ◆ Coordinate with the findings of the Fort Point Watersheet Activation Plan.
- ◆ Preserve water-dependent industrial uses
- ◆ Coordinate with and build upon the success of the Boston Harbor Project.
- ◆ Coordinate with the Boston Harbor Debris Removal Program.
- ◆ Create additional public docks, landings, and recreational boating facilities, particularly at proposed pier redevelopment and public access areas.
- ◆ Maximize and enhance public access to the waterfront in a manner that is compatible with the watersheet study and the CA/T Air Rights Restoration.
- ◆ Encourage integration of waterfront uses and developments.
- ◆ Protect and enhance unique historic industrial, artistic and cultural institutions of the area.

Landside Resources

- ◆ Promote links between the harbor uses and the financial district and surrounding neighborhoods.
- ◆ Promote cultural and historic preservation and understanding of existing and past resources of the Fort Point Channel.
- ◆ Provide visual and physical improvements and establish scenic designations to the waterfront streets.

FORT POINT CHANNEL WATERSHEET PLANNING

Planning for the Fort Point Downtown will be informed by the focused planning underway for the Fort Point Channel watershed. During the preparation of the South Boston Municipal Harbor Plan, members of the Advisory Committee began to meet informally to discuss the special challenges and opportunities presented by this special body of water. Out of these informal discussions, came the idea to develop a Watersheet Activation Plan for the Channel to position it as a special citywide destination. A three-part collaboration was formed comprised of the BRA, the Fort Point Channel Working Group, comprised of cultural institutions, harbor advocates, maritime interests, and the general public, and the Fort Point Channel abutters group, represented by the Children’s Museum, and comprised of property owners with holdings along the Channel.

Part of the public process for this Municipal Harbor Plan will be the integration of the Watersheet Activation Plan. The plan is envisioned as serving numerous planning roles for the City and the Commonwealth. The purpose of the Plan is to provide a blueprint for the development of new uses and public structures that will make the Fort Point Channel a great civic space. The City shall use the plan as guidance when reviewing projects subject to Article 80. It will provide guidance to DEP in making decisions regarding Chapter 91 licenses and establishing baseline requirements for water related public benefits. Finally, through the Municipal Harbor Planning Process, it shall be one of the sources of offsets for any negative impact of substitute provisions that are granted for properties located within the planning area.

The Watersheet Activation Plan will be provided to the Commonwealth during the MHP process to provide detailed context and background to the Fort Point Downtown MHP.

4.1 THE FORT POINT CHANNEL WATERSHEET ACTIVATION PLAN

Fort Point Channel has the potential to become the next great place in the City and a resource for residents from all of Boston’s neighborhoods. The Fort Point Channel Watersheet Activation Plan is a plan whose aim is to activate the Fort Point Channel and provide for special destinations to attract the public and generate activity on a year-round basis. The Plan has been in development over the past 6-8 months during which time two public charrettes and monthly public meetings were held to gain input and advice from the public. A draft plan is anticipated by October 2001 with a final Plan to be released by the end of the year.

The Municipal Harbor planning process shall identify elements from the Watersheet Activation plan that could be used as baseline requirements and offsets for development in the harbor planning area. Although the Watersheet Activation Plan is currently in draft form and subject to further public review, it is advanced enough to provide possible offsets for substitutions required for projects in Phase I of this MHP.

The study encompasses the Channel watersheet, the edges of the Channel, and connections to the Channel. The following are key elements of the Plan.

- The Plan will identify and prioritize year-round land and water public uses that will ensure that Fort Point Channel retains and enhances its role as a special destination.
- The Plan will address the needs of water-dependent uses in Fort Point Channel (such as Hook Lobster, Neptune Marine Services, The Barking Crab and Gillette).
- The Plan will recommend appropriate locations for docks, landings, floating barges, fishing piers, moorings, marinas, boat houses, permanently-moored vessels, water transportation terminals, and water taxi docks, as appropriate. The Plan will identify transient floating structures for programmed activities, entertainment, public art and the like.
- The Plan will include recommendations for landside facilities that will be needed to support the activation of the watersheet.
- The Plan will recommend programming opportunities for the Fort Point Channel for recreation, education, culture and entertainment.
- The Plan will identify points of access to the Fort Point Channel from surrounding areas and neighborhoods by various modes, including vehicular, pedestrian, transit, water transportation, bicycle and also links to other open spaces, waterfront areas, and destinations.

4.2 NEW USES FOR THE FORT POINT CHANNEL

The Plan will recommend many new public water-dependent uses for Fort Point Channel, including water transportation, small boat rentals, educational and cultural facilities, and, of course, Harborwalk. The focus will be to provide opportunities for the public to experience the water by bringing people out onto the water sheet.

New piers and floats are envisioned for water transportation and recreational boating facilities, such as kayaking, rowing, sailing and for passive recreational use. New piers and floats also may be constructed for passive recreational uses. To complement existing cultural and educational facilities located along the Fort Point Channel, the City envisions floating barges providing performance space for music, dance or other cultural performance activities.

Just as important as the new uses that will be encouraged for the Channel are the uses that will be prohibited. Houseboats and live-aboard vessels and non-water dependent office space also will be prohibited as these reflect private uses of the water sheet.

4.3 SOURCE OF OFFSETS

Chapter 91 allows a number of offsets, including those that promote the use of the water and activation of the watersheet. The purpose of the Watersheet Activation Plan is to help the City of Boston draw people from all corners of the City to the waterfront. In furtherance of this goal, the plan makes recommendations for new activities and destinations in and around the Channel. New maritime infrastructure is proposed so that the public can gain better access to the edges of the channel and to the watersheet itself. However, the recommendations of plan are conceptual at this stage subject to permitting and design revisions. Also, the nature of the Watersheet Plan's implementation is based on flexibility needed to address issues such as water quality, public access, and public works and development schedules. The integration of the Watersheet Plan into the Municipal Harbor Plan does not imply that the Channel will be built out precisely as depicted.

Recommendations from the Watersheet Plan that could be considered as offsets may be specific structures or could also take the form of assistance to Channel-wide efforts such as environmental studies, water transportation subsidies or programming for activities and special events.

5.0 THE MUNICIPAL HARBOR PLAN PROCESS

The Fort Point Downtown Waterfront Municipal Harbor Plan will bring together the many planning efforts that have been undertaken over the years, for the downtown, the Fort Point Channel and the South Boston Waterfront. It will afford the City of Boston an opportunity to benefit from the flexibility provisions of the state's Harbor Planning Program and Waterways Regulations. The BRA will work with CZM and DEP to develop a Municipal Harbor Plan that meets the special circumstances of the Fort Point Downtown and is consistent with the state's requirements.

5.1 MANAGEMENT

The Mayor has designated the BRA as the City agency with primary responsibility for the preparation of the Fort Point Downtown Waterfront Municipal Harbor Plan. The Municipal Harbor Planning Advisory Committee (MHPAC) will continue to serve as advisors to the development of the plan. Meetings of the MHPAC are open to the public. All efforts will be made to engage those who have participated in Fort Point Channel planning activities over the years in this harbor planning process.

The BRA will coordinate the plan's development with appropriate city, state, and federal agencies. At the state level, the BRA will continue its close coordination with the CZM and DEP. In addition the BRA will work closely with owners of affected land parcels, and the CA/T planning team.

5.2 DEVELOPING A PHASED MUNICIPAL HARBOR PLAN

After consultation with the Executive Office of Environmental Affairs, Office of Coastal Zone Management the BRA recommends developing a phased Municipal Harbor Planning process for the Fort Point Downtown Waterfront planning area. A phased approach would allow for planning areas where there are projects with substantially completed design and public review to be studied by the MHPAC and recommendations made on substitute provisions and offsets. Such planning areas would then be submitted to EOEA for approval. The public realm including open space, Harborwalk, watersheet activation, etc. would be discussed for the complete planning area. Public realm discussions have been and continue to be the subject of numerous public meetings and planning processes including the South Boston Public Realm Plan (1999), the Fort Point District Plan underway and the Fort Point Channel Watersheet Activation Plan underway.

Phase 1 is limited to a specific site, the 500 Atlantic Avenue parcel, which raises unique Chapter 91 licensing issues. As described in more detail in section 7.1, the anticipated development of the

site requires a single substitution for height under the MHP. However, the project will provide previously agreed upon mitigation pursuant to the Central Artery Project's Chapter 91 License, by creating a visual and aesthetic screen around Ventilation Tower #3. These unique circumstances justify allowing Phase 1 to proceed in advance of the full planning area.

Phases II through IV all involve multiple sites and/or large planning areas. Each phase poses a distinct set of planning challenges. However, to provide a broader framework for planning, it is proposed that Phase II of the MHP, as well as addressing the geographic area described in section 5.3, would also define a set of overall planning principals that would guide all subsequent phases. These Principles would include:

- Defining a planning area-wide framework of public open spaces.
- Setting minimum standards for aggregate area-wide open space and water-dependant use zones.
- Articulating goals for amplifications
- Developing a strategy for defining building heights and massing in relation to baseline Chapter 91 requirements.
- Defining methods for determining the impacts of substitutions and the level of required offsets, in a manner that provides certainty and predictability to regulators, project proponents and the public.

5.3 PROPOSED PHASING AND SCHEDULE

The Boston Redevelopment Authority suggests the following phased approach and schedule to the Fort Point Downtown Waterfront planning area.

Phase	Proposed Date	Properties
Phase I	July 2001 through April 2002	500 Atlantic Avenue: CA/T Vent Building #3 and NSTAR Development Parcel a.k.a. former location of Boston Edison Company (BECo) Substation
Phase II	February-April* 2002 through October 2002 *Based on available resources, MHP Committee Schedule, and work program, BRA may undertake Phase II prior to the completion of Phase I ** The Boston Redevelopment Authority shall retain the option to move a property into another phase if warranted	15-17 Northern Avenue: James Hook Lobster Company 470 Atlantic Avenue: Independence Wharf Office Building and Restaurant 530 Atlantic Avenue and 270-290 Congress Street: Russia Wharf
Phase III	October 2002 through March 2003 * The Boston Redevelopment Authority shall retain the option to move a property into another phase if warranted	Federal Reserve Building 255 Summer Street (Formerly Stone & Webster)
Phase IV	March 2003 through March 2004 * The Boston Redevelopment Authority shall retain the option to move a property into another phase if warranted	United States Postal Annex

- See Section 7 for proposed Phase I schedule.

5.4

THE PLANNING PROGRAM WORK TASKS

This section will include the following sub-tasks:

5.4.1 Existing Planning Information

This section will provide an updated summary of key applicable planning information:

- Historic and Planning Background – the historic role of the harbor and planning efforts.
- Summary of planning efforts
- Planning Context – current planning and development initiatives.
- Transportation Overview – planning recommendations for both land and water based transportation.

5.4.2 Review the Fort Point Channel Watersheet Activation Plan to identify elements from the Watersheet Activation plan that could be used as baseline requirements and offsets for development in the harbor planning district.

5.4.3 Open Space and Public Space Requirements

These requirements will be developed drawing upon two sources: the South Boston Municipal Harbor Plan baseline Open Space and Public Space Requirements and Guidelines and the Fort Point Channel Watersheet Activation Plan. This task will include the following sub-tasks:

1. **Review the South Boston Municipal Harbor Plan** for its applicability to Fort Point Downtown Waterfront, identifying generic sections that can be applied to Fort Point Downtown Waterfront, as appropriate. Sections of the South Boston Municipal Harbor Plan to be evaluated for applicability will be:
 - Developer submission requirements for BRA Article 80 Small Project or Large Project Review and Section 18 Recommendation for Chapter 91 license;
 - Standards and principles for the Water-Dependent Use Zone, as defined in Chapter 91;
 - Standards and guidelines for the watersheet;
 - Development standards and requirements for open space and public space;
 - General standards for ground floor uses defined in Chapter 91 as Facilities of Public Accommodation/ Facilities of Private Tenancy;
 - Urban design guidelines; and
 - Universal Access Design Standards.

2. **Customize the Open Space and Public Access Requirements** for the Fort Point Downtown Waterfront Harbor Plan. The requirements will address such planning elements as continuous Harborwalk along the Channel; linkages with the South Boston Harbor Trail and the CA/T open space parcels, historic interpretive exhibits, water transportation terminals, watersheet activation new pocket parks, and improved public access throughout the area.
3. **Integrate the planning development guidelines** into the Harbor Plan as appropriate. The planning guidance includes recommendations for maintaining view corridors, maximizing views by eliminating physical and visual barriers; developing unique lighting and signage; creating building blocks compatible with waterfront character and adjoining neighborhoods; improving street access through the extension of the existing street pattern; minimizing traffic impacts; and visual screening.

5.4.4 Tailoring Chapter 91 Regulations, 310 CMR 9.00

The MHP provides the City with the means to tailor the state's Waterways Regulations to meet the City's development and planning goals. A state-approved Municipal Harbor Plan affects the Waterways licensing process. DEP must ensure that a proposed project conforms to the provisions of the MHP; conforms to the greatest extent feasible to the MHP's amplifications of discretionary regulation requirements; and applies the MHP's numerical substitute provisions as appropriate. Part of the tailoring conducted through the MHP will result from review of the planning recommendations, evaluating them with respect to the tidelands regulations and determining opportunities for amplification or substitute provision. Open Space and Public Access tasks will also identify tailoring opportunities that will be integrated into this task.

The MHP will include a summary setting forth Chapter 91 objectives and describe how the Substitute Provisions, Offsets and Amplifications meet them. The summary will provide the justification for the tailoring measures so that clear guidance is provided to DEP staff, municipal agencies, a Chapter 91 license applicant, and the public.

Substitute Provisions

The Municipal Harbor Plan will examine opportunities to modify the standards to reflect the local vision for non water-dependant uses to substitute for the use and numerical standards of the Waterways Regulations. Potential areas of substitution identified by the Waterways Regulations include the following:

- New pile-supported structures and floats;
- Facilities of Private Tenancy and Ground Floor Facilities of Public Accommodation;
- Water-dependent Use Zone (setback area from shoreline);
- Open space;
- Height;

- Public access networks; and
- Commonwealth Tidelands requirements for publicly accessible open space and Facilities of Public Accommodation.

The Municipal Harbor Plan will address the development of substitute provisions in conformance with MHP Regulations as follows:

1. Based on planning analysis of the planning efforts updated to reflect on-going developments, identify and describe a potential substitution strategy for non water-dependent uses, including, where applicable, a general qualitative and quantitative evaluation of impacts to water-dependent activities and offset/mitigation needs. Such an evaluation could include a wind and shadow impacts analysis if required. Strategies will integrate such elements of the Watersheet Activation Plan, public access, watersheet programming, and water transportation opportunities.
2. Conduct conceptual analysis required to identify adverse impacts on public access, anticipated uses at ground or pedestrian level, and specify offset measures that are reasonably proportional to the degree of impact. The analysis will be at a conceptual level since actual design details will not be available, using both qualitative and quantitative measures as appropriate. The conceptual analysis will involve a comparison between a Chapter 91 compliant alternative and an alternative based on the Municipal Harbor Plan. This comparison will be presented in a manner that is easy to read and clearly presents the differences between the two conditions.
3. Recommend a substitute provision strategy identifying the specific Waterways Regulations provisions for which a substitution is being requested and develop a mitigation approach that can be implemented through Offsets.

Offsets

Offsets are required by MHP Regulations to mitigate or compensate on both a parcel by parcel and an area-wide basis for the adverse effects of substitute provisions on water-related public interests. The process is to first examine mitigation measures and then compensate with offsets for the impacts of substitute provisions. Development of offsets will be commensurate with the degree of adversity to public access, pedestrian level activities, and water-dependent use, employing an approach that is either quantitative, such as one unit of replacement for one unit lost, or qualitative, such as a package of varying types of improvements that improve the quality of the water-related public interests. The latter strategy can provide greater opportunity to develop a package of offsets, either onsite or within close proximity when the site where the impacts are felt cannot accommodate corresponding offsets, taking into consideration opportunities along the waterfront that will promote the destination value of the waterfront or open space and access to the waterfront. Elements from the Watersheet Activation plan for example, will

be used as offsets for negative impacts of substitute provisions in the harbor planning area.

Summary of Waterways Regulations and MHP Approval Standards

Table A

<u>WATERWAYS</u>	<u>CORRESPONDING WATERWAYS</u>	<u>CORRESPONDING MHP APPROVAL STANDARDS</u>
Regulations for which Substitute Provision Proposed	Dimensional or Numerical Requirement	301 CMR 23.05(2)(c) and (d) The proposed substitute provision must, with comparable or greater effectiveness....
Facilities of Private Tenancy 310 CMR 9.51(3)(b)	Shall not be located on any pile-supported structures on flowed tidelands, nor at the ground level of any filled tidelands within 100 feet of a project shoreline	<ul style="list-style-type: none"> specify alternative limitations and other requirements that ensure that no significant privatization of waterfront areas immediately adjacent to the water-dependent use zone will occur for nonwater-dependent purposes. in order that such areas will be generally free of uses that conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the water-dependent use zone, as appropriate for the harbor in question.
Setback Requirements (Water-Dependent Use Zone) 310 CMR 9.51(c)	<p>Width of Water-Dependent Use Zone determined as follows:</p> <ol style="list-style-type: none"> Along portions of a project shoreline other than the edges of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the weighted average distance from the present high water mark to the landward lot line of the property, but not less than 25 feet; and along the ends of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the distance from the edges in question to the base of the pier or wharf, but no less than 25 feet; and along all sides of piers and wharves, the zone extends for the lesser of 50 feet or 15% of the distance from the edges in question to the edges immediately opposite, but no less than ten feet 	<ul style="list-style-type: none"> specify alternative setback distances and other requirements that ensure new or expanded buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that, sufficient space along the water's edge will be devoted exclusively to water-dependent use and public access associated therewith, as appropriate for the harbor in question.
Open Space (Lot Coverage) 310 CMR 9.51(3)(d)	At least 50% of the project site must be reserved as open space for water-dependent activity and public access. A maximum of 25% of the open space may include public streets and parking , provided it does not exceed the amount of public open space provided on-site.	<ul style="list-style-type: none"> specify alternative site coverage ratios and other requirements, that ensure that, in general, buildings for nonwater-dependent use will be relatively condensed in footprint, in order that an amount of open space commensurate with that occupied by such buildings will be available to accommodate water-dependent activity and public access associated therewith, as appropriate for the harbor in question.
Height 310 CMR 9.51(3)(e)	Nonwater-dependent use building heights restricted to 55 feet within 100 feet of the high water mark. Heights can increase one half foot for each additional foot over 100 feet that building is setback from high water mark.	<ul style="list-style-type: none"> specify alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size. in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question.
Activation of Commonwealth Tidelands for Public Use 310 CMR 9.53(2)(b) (Open Space)	When located entirely on Commonwealth Tidelands, at least 50% of the project site must be reserved as open space (with appropriate pedestrian amenities); available to the general public at all times for active and/or passive public recreation; and located at or near the water's edge to the maximum extent possible.	<ul style="list-style-type: none"> specify alternative requirements for public outdoor recreation facilities that will establish the project site as a year-round locus of public activity.

Amplifications

The Municipal Harbor Plan can include provisions, called amplifications, which provide guidance to DEP on how to apply the discretionary provisions of the Waterways Regulations. Amplifications will uphold the underlying principles and intent of the Waterways Regulations and will be identified in the Municipal Harbor Plan so that they provide clear direction to DEP staff when licensing a Chapter 91 project. The amplifications will most likely evolve out of the Open Space and Public Access Requirements and Guidelines and the Watersheet Activation Plan. They may take the form of conceptual or site specific guidance to DEP that encompass several DEP discretionary regulatory provisions or they may be tied to a single specific regulatory requirement. An example might include specific requirements for public berthing, access to the watersheet, or maintenance of the navigation channel. To the extent feasible, the Municipal Harbor Plan will link amplifications to specific regulatory provisions or in the situations where the amplifications cut across individual regulatory provisions, provide DEP with clear direction about the intended regulatory application.

5.5 IMPLEMENTATION OF THE MUNICIPAL HARBOR PLAN

The Fort Point Downtown Waterfront Municipal Harbor Plan will be the City's main mechanism for guiding future development within the Chapter 91 jurisdiction portions of the Fort Point Channel. This section of the Plan will address the implementation of the Chapter 91 tailoring recommendations. It will include municipal regulatory and policy changes, process and timeframe for such changes, lead responsibilities, and where applicable, cost estimates.

- **Regulatory Changes** - Identify any recommended modifications to the Boston Zoning Code and City policies, such as dimension and use regulations, open space requirements, setbacks from the waterfront, and height restrictions.
- **Process** – Describe the process for accomplishing changes, such as zoning, and offset requirements and the timeframes in order to demonstrate City's commitment to effectuating mitigation in a timely manner.
- **Schedule** – Develop a list of priorities for implementing the Municipal Harbor Plan recommendations, identifying the agency with lead responsibility.
- **Cost Estimates** – Provide a range of costs for any capital improvements recommended.

6.0 ADDITIONAL PROVISIONS

In addition to the flexibility offered by the substitute provisions of the use and density provisions of the Waterways Regulations, the BRA would like to incorporate additional flexibility into the Municipal Harbor Plan itself. The MHP Regulations currently provide that a Municipal Harbor Plan is effective for five years. The BRA requests that the City’s Municipal Harbor Plans, including this one, remain in effect for ten years. The BRA also would like to incorporate a mechanism for approving projects under an existing Municipal Harbor Plan that may deviate from the parameters established in the approved Municipal Harbor Plan in some minor fashion.

6.1 TEN YEAR EFFECTIVE PERIOD

In the last forty years, the City has undertaken to build-out or revitalize several large tracts of undeveloped or underutilized land, including the Charlestown Navy Yard and the Downtown Waterfront. Build-outs on this scale can take several decades and business cycles to complete. The build-out of the Fort Point Downtown Waterfront Planning Area is expected to take a similar amount of time.

The Public Realm Plan is very much a long range plan, with components that are not expected to become a reality for ten, fifteen or twenty years or more. In the case of the Fort Point Downtown Waterfront Planning Area, we are using the Municipal Harbor Plan to implement a long range vision. Of course, it is important to take stock at various intervals. Ten years is, more or less, one-half of a growth period, and an appropriate time to be reviewing where we are and what significant changes may be required to the existing plan. The amendment provisions already provide a mechanism for addressing substantial changes during the period of a plan’s effectiveness.

The Municipal Harbor Plan process, while extremely useful, can take a significant amount of time to complete. Moreover, harbor plans typically are more long-range documents than the current five year period would suggest. Accordingly, we propose that this Municipal Harbor Plan, as well as others filed by the City of Boston, remain in effect for a period of ten years.

6.2 CONSISTENCY WITH CZM PROGRAM POLICIES AND MANAGEMENT PRINCIPLES

The following are CZM’s Program Policies and Management Principals:

- **Water Quality Policy #1** - Ensure that point-source discharges in or affecting the coastal zone are consistent with federally-approved state effluent limitations and water quality standards.
- **Water Quality Policy #2** - Ensure that nonpoint pollution controls promote the attainment of

state surface water quality standards in the coastal zone.

- **Water Quality Policy #3** - Ensure that activities in or affecting the coastal zone conform to applicable state requirements governing sub-surface waste discharge and sources of air and water pollution and protection of wetlands.
- **Habitat Policy #1** - Protect wetland areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eel grass beds, and freshwater wetlands for their role as natural habitats.
- **Habitat Policy #2** - Promote the restoration of degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.
- **Protected Areas Policy #1** - Assure preservation, restoration and enhancement of complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern (ACEC) Program.
- **Protected Areas Policy #2** - Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.
- **Protected Areas Policy #3** - Review proposed developments in or near designated or registered historic districts or sites to ensure that the preservation intent is respected by federal, state and private activities and that potential adverse effects are minimized.
- **Coastal Hazard Policy #1** - Preserve, protect, restore and enhance the beneficial functions of storm damage preservation and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.
- **Coastal Hazard Policy #2** - Ensure construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.
- **Coastal Hazard Policy #3** - Ensure that state and federally funded public works projects proposed for location within the coastal zone will:
 - not exacerbate existing hazards or damage natural buffers or other natural resources;
 - be reasonably safe from flood and erosion related damage;
 - not promote growth and development in hazard-prone or buffer areas, especially in Velocity zones and ACECs; and
 - not be used on Coastal Barrier Resource Units for new or substantial reconstruction

of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.

- **Coastal Hazard Policy #4** - Prioritize public funds for acquisition of hardardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.
- **Ports Policy #1** - Ensure that dredging and disposal of dredged material minimizes adverse effects on water quality, physical processes, marine productivity and public health..
- **Ports Policy #2** - Promote the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environmental policies.
- **Ports Policy #3** - Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority or other legal jurisdiction.
- **Ports Management Principle #1** - Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and developed harbors, re-development of urban waterfronts and expansion of visual access.
- **Public Access Management Principle #1** - Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians and via rivers for boaters.
- **Public Access Management Principle #2** - Increase capacity of existing recreation areas by facilitating multiple uses and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.
- **Public Access Management Principle #3** - Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.
- **Public Access Management Principle #4** - Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.

- **Energy Policy #1** - For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.
- **Energy Management Principle #1** - Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.
- **Ocean Resources Policy #1** - Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.
- **Ocean Resources Policy #2** - Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the Massachusetts Ocean Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreation can be assured.
- **Ocean Resources Policy #3** - Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shoreline areas due to alteration of wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.
- **Growth Management Principle #1** - Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.
- **Growth Management Principle #2** - Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.
- **Growth Management Principle #3** - Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

6.3 CONSISTENCY WITH STATE TIDELANDS POLICY OBJECTIVES AND ASSOCIATED REGULATORY PRINCIPLES

Standards for approval of a Municipal Harbor Plan are set forth at 301 CMR 23.05 and require

consistency with state tidelands policy objectives, as set forth in the state Waterways Regulations at 310 CMR 9.00, and summarized in the MHP Regulations at 301 CMR 23.05(3)(a). The MHP Regulations identify ten primary state tidelands policy objectives:

- **Policy Objective #1** - To ensure that development of all tidelands complies with other applicable environmental regulatory programs of the Commonwealth, and is especially protective of aquatic resources within coastal Areas of Critical Environmental Concern, as provided in 310 CMR 9.32(1)(e) and 9.33.
- **Policy Objective #2** - To preserve any rights held by the Commonwealth in trust for the public to use tidelands for lawful purposes, and to preserve any public rights of access that are associated with such use, as provided in 310 CMR 9.35.
- **Policy Objective #3** - To preserve the availability and suitability of tidelands that are in use for water-dependent purposes, or which are reserved primarily as locations for maritime industry or other specific types of water-dependent use, as provided in 310 CMR 9.32(1)(b) and 9.36.
- **Policy Objective #4** - To ensure that all licensed fill and structures are structurally sound and otherwise designed and built in a manner consistent with public health and safety and with responsible environmental engineering practice, especially in coastal high hazard zones and other areas subject to flooding or sea-level rise, as provided in 310 CMR 9.37.
- **Policy Objective #5** - To ensure patronage of public recreational boating facilities by the general public and to prevent undue privatization in the patronage of private recreational boating facilities, as provided in 310 CMR 9.38; and to ensure that fair and equitable methods are employed in the assignment of moorings to the general public by harbormasters, as provided in 310 CMR 9.07.
- **Policy Objective #6** - To ensure that marinas, boatyards and boat launching ramps are developed in a manner that is consistent with sound engineering and design principles, and include such pumpout facilities and other mitigation measures as are appropriate to avoid or minimize adverse impacts on water quality, physical processes, marine productivity and public health, as provided in 310 CMR 9.39.
- **Policy Objective #7** - To ensure that dredging and disposal of dredged material is conducted in a manner that avoids unnecessary disturbance of submerged lands and otherwise avoids or minimizes adverse effects on water quality, physical processes, marine productivity and public health, as provided in 310 CMR 9.40.
- **Policy Objective #8** - To ensure that nonwater-dependent use projects do not unreasonably diminish the capacity of any tidelands to accommodate water-dependent use, as provided in 310 CMR 9.51.

- **Policy Objective #9** - To ensure that nonwater-dependent use projects on any tidelands devote a reasonable portion of such lands to water-dependent use, including public access in the exercise of public rights in said lands, as provided in 310 CMR 9.52.
- **Policy Objective #10** - To ensure that nonwater-dependent use projects on Commonwealth tidelands, except in Designated Port Areas, promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

7.0 MUNICIPAL HARBOR PLAN PHASE I

7.1 INTRODUCTION

The BRA, the City agency with primary responsibility for the preparation of Municipal Harbor Plans, 301 CMR 23.00 supports a phased Fort Point Downtown Waterfront Municipal Harbor Plan so as to accommodate the development of the 500 Atlantic Avenue parcel. The project, proposed for this parcel, EOE A #10546, satisfies a public interest by surrounding the CA/T Ventilation Tower # 3, thus providing mitigation for this structure in the form of a visual and aesthetic screen. The height of the Ventilation Tower was required to meet DEP's air quality standards.. The very purpose of the project – to be high enough to shield the Ventilation Tower with an attractive structure – means that the project cannot be implemented in compliance with the Waterways Regulations. The vast benefit to be gained by shielding the Ventilation Tower overrides the public's interest in waterways. The proponent is ready to commence construction in spring 2002 when the site will be turned over by the Massachusetts Turnpike Authority. In order to protect the public's interest in visual and aesthetic screening of the Ventilation Tower, the BRA is pursuing the phased Harbor Planning approach.

Phase I would include the 500 Atlantic Avenue site where a proposed hotel/residential complex is proposed as described in the April 30, 2001 FEIR/FPIR EOE A (#10546).

Secretary Durand's July 16, 2001 Final Environmental Impact Certificate concluded the MEPA review for the 500 Atlantic Avenue project. In the Certificate, the Secretary explained that since the proponent has redesigned the project to comply with the requirements of the Waterways Regulations with the exception of height and anticipating the beginning of Phase I of the Fort Point Downtown Waterfront Municipal Harbor Plan, the MEPA process could conclude prior to the development of a Municipal Harbor Plan.

On July 9, 2001 the Department of Environmental Protection's Waterway Program provided comments to Secretary Durand in support of the implementation of a phased Municipal Harbor Plan process as the preferred regulatory review mechanism, in that the proponent has successfully reduced the number of substitute provisions required 310 CMR 9.51(3)(e).

Phase I of the MHP requests that the Secretary of Environmental Affairs (EOEA) approve a single substitute provision for height, consistent with the applicable zoning for this area, that recognizes the height exceedence of the CA/T Project Ventilation Building and associated 240-foot tall ventilation tower, and the environmental and aesthetic mitigation benefits of surrounding this structure with building mass that is in character with that of the surrounding area. Article 49 of the Boston Zoning Code, Central Artery Special District, was amended in 1996 to allow for a height of 235 feet to the top of the highest occupied floor. The building height established by zoning would allow development on this parcel to contribute to both the revitalization of the Fort Point Channel waterfront and create dynamic visual and pedestrian links between the new air rights and the waterfront of the Fort Point Channel.

The proposal to construct a wrap-around commercial structure surrounding the CA/T ventilation building and ventilation tower and intake structures has been submitted to the BRA and is being reviewed under the Large Project Review provisions of Article 80. The Comment period closes on July 26, 2001.

7.2 PUBLIC PROCESS TO DATE

The procedure outlined in 301 CMR 23.04 contains provisions for public comment and a public hearing to be conducted by CZM which afford an opportunity for public input. In addition, the proposed development at the site has already undergone significant public review and comment as detailed below as part of the Central Artery public process and later as part of the 500 Atlantic Avenue project public review process.

- *Chapter 91 and the Joint Plan*

The formal public and agency review process began in July of 1992 upon the filing by the CA/T Project of a Consolidated Chapter 91 Waterways License Application with DEP, which included the construction of CA/T Ventilation Building #3 at this site. On December 16, 1993, DEP issued a final Chapter 91 Consolidated Written Determination in response to that application, which included conditions for mitigation measures related to the construction of the CA/T Project Ventilation Building 3 and the other improvements intended for the Amendment Area site. DEP specifically required the preparation of a Joint Plan by the Massachusetts Highway Department, the Massachusetts Bay Transportation Authority and the Boston Edison Company to establish that Ventilation Building #3, a “Future Commercial Development” and the MBTA Transitway (Silver Line) could all be included on the same site. The DEP-required Joint Plan was also to address mitigation measures for the site.

The Joint Master Plan process called for by DEP was conducted between 1993 and 1995. The Joint Plan was entered into by the participating parties on March 16, 1995, and on December 18, 1995, DEP issued a letter of conditional approval of the Joint Plan, offering its conceptual approval of the activities planned for the 500 Atlantic Avenue site. These activities included the construction of the ventilation building and ventilation tower, a wrap-around commercial building, and the MBTA Silver Line tunnel.

- *500 Atlantic Avenue Building Project*

Public and agency review of the 500 Atlantic Avenue building project under the Massachusetts Environmental Policy Act (MEPA) and Article 80 of the Boston Zoning Code began on November 15, 1995 with the submittal of a combined MEPA Environmental Notification Form (ENF) and a BRA Project Notification Form (PNF). Scopes for a Draft Environmental Impact Report (DEIR) and a Draft Project Impact Report (DPIR) for the proposed wrap-around development were issued by MEPA and the BRA on December 12, 1995 and January 5, 1996, respectively. The combined DEIR/DPIR was submitted to MEPA and the BRA on September 30,

1998. On December 1, 1998 the Secretary of the EOEa issued a Certificate stating that the DEIR adequately and properly complied with MEPA and its implementing regulations, and adequately responded to the Scope issued by the MEPA Unit. Similarly, on January 5, 1999 the BRA issued a Preliminary Adequacy Determination stating that with the provision of certain clarifications and selection as to development use, a FPIR would be sufficient to meet the requirements of the Scoping Determination. The Final EIR/PIR was submitted to the respective agencies on April 30, 2001. The Secretary issued a Certificate on the Final EIR on July 16, 2001. The BRA is currently completing its review. As part of its MEPA/BRA review, the proponent has conducted numerous presentations to abutters and advocacy groups. In addition, the 500 Atlantic Avenue Building Project must obtain additional permits and licenses, requiring additional public reviews, including a Chapter 91 License from DEP in coordination with the Coastal Zone Management Office, a Sewer Connection Permit from DEP and Boston Water and Sewer Commission, an Order of Conditions from the Boston Conservation Commission.

- *City of Boston Rezoning Process*

The 500 Atlantic Avenue site has also undergone a comprehensive rezoning process. In early 1996, the Zoning Commission adopted and approved amendments to the City of Boston Zoning Ordinance that established the 500 Atlantic Avenue site as Parcel 20 of the Central Artery Special District. The new zoning provisions provide for various uses on the site including hotel, residential, office, local retail/service and restaurant uses.

7.3 PLANNING OBJECTIVES FOR PHASE I

Since the numerous planning documents including the Watersheet Activation Plan for the geographic scope of Phase I provides the planning analysis recommendations for the Municipal Harbor Plan, the study program can begin with its findings and develop them into more detailed recommendations. This section will include the following sub-tasks:

7.3.1 Existing Planning Information

This section will provide an updated summary of key applicable planning information:

- Historic and Planning Background – the historic role of the harbor, channel and planning efforts.
- Summary of planning efforts – the recommendations, goals and objectives for the Fort Point Downtown Waterfront Municipal Harbor Plan.
- Planning Context – current planning and development initiatives.
- Transportation Overview – planning recommendations for both land and water based transportation.

7.3.2 Review the Fort Point Channel Watersheet Activation Plan to identify elements from the Watersheet Activation plan that could be used as baseline requirements and offsets for development in the Harbor Planning Phase I district.

7.3.3 Open Space and Public Space Requirements

These requirements will be developed drawing upon two sources: the South Boston Municipal Harbor Plan baseline Open Space and Public Space Requirements and Guidelines and the Fort Point Channel Watersheet Activation Plan.

7.4 TAILORING CHAPTER 91 REGULATIONS, 310 CMR 9.00

The MHP provides the City with the means to tailor the state's Waterways Regulations to meet the City's development and planning goals. A state-approved Municipal Harbor Plan affects the Waterways licensing process. DEP must ensure that a proposed project conforms to the provisions of the MHP; conforms to the greatest extent feasible to the MHP's amplifications of discretionary regulation requirements; and applies the MHP's numerical substitute provisions as appropriate. Part of the tailoring conducted through the MHP will result from review of the planning recommendations, evaluating them with respect to the tidelands regulations and determining opportunities for amplification or substitute provision. Open Space and Public Access and Watersheet Activation tasks will also identify tailoring opportunities that will be integrated into this task.

Substitute Provisions

The Municipal Harbor Plan Phase I will examine opportunities to modify standards reflecting the City's vision for non water-dependant uses to substitute for the numerical standards for height of the Waterways Regulations. The 500 Atlantic Avenue Building Project as proposed is in compliance with Chapter 91 in all respects except for height. Like the Ventilation Tower currently under construction at this site, the 500 Atlantic Avenue Building exceeds the Chapter 91 height limit.

Construction of Ventilation Building #3 is underway, with the 14 ventilation stacks currently rising out of the ground. Because these stacks are part of a highway infrastructure project, the Chapter 91 height limitation applicable to the 500 Atlantic Avenue Building Project is not a limitation on the heights of the ventilation stacks (310 CMR 9.55). However, the 500 Atlantic Avenue Building is, in part, visual mitigation for the Ventilation Building stacks, which would otherwise rise unshielded at the water's edge to a height far in excess of what Chapter 91 would normally allow. As discussed above, mitigation of this nature was anticipated as part of the state and federal environmental review process for the CA/T Project in the early 1990s.

Under Chapter 91 regulations, the heights of new buildings on filled tidelands within 100 feet of the project shoreline are limited to 55 feet. Beyond 100 feet the regulations allow for an increase in elevation of one-half foot for every foot landward. In combination with the setback and accessway requirements of the Joint Plan, a Chapter 91-compliant building on this site would be 55 feet in height for the five feet located between from the

95-foot setback line and the 100-foot setback line. From the 100-foot setback line the building could rise at a slant, reaching a height of approximately 245 feet at the southwestern corner of the building along Atlantic Avenue, but only 155 feet at the northwestern corner of the building along Atlantic Avenue.

Offsets are required by CZM and Waterways Regulations to mitigate or compensate on both a parcel by parcel and an area-wide basis for the adverse effects of substitute provisions on water-related public interests. The process is to first examine mitigation measures and then compensate with offsets for the impacts of substitute provisions. Development of offsets will be commensurate with the degree of adversity to public access, pedestrian level activities, and water-dependent use, employing an approach that is either quantitative, such as one unit of replacement for one unit lost, or qualitative, such as a package of varying types of improvements that improve the quality of the water-related public interests. The latter strategy can provide greater opportunity to develop a package of offsets, either onsite or within close proximity when the site where the impacts are felt cannot accommodate corresponding offsets, taking into consideration opportunities along the waterfront that will promote the destination value of the waterfront or open space and access to the waterfront. Although the Watersheet Activation Plan is currently in draft form and subject to further public review, it is advanced enough to provide possible offsets for the height substitution required for the 500 Atlantic development project.

Amplifications

The Municipal Harbor Plan can include provisions, called amplifications, which provide guidance to DEP on how to apply the discretionary provisions of the Waterways Regulations. Amplifications will uphold the underlying principles and intent of the Waterways Regulations and will be identified in the Municipal Harbor Plan so that they provide clear direction to DEP staff when licensing a Chapter 91 project. The amplifications will most likely evolve out of the Open Space and Public Access Requirements and Guidelines and the Watersheet Activation Plan. They may take the form of conceptual or site specific guidance to DEP that encompass several DEP discretionary regulatory provisions or they may be tied to a single specific regulatory requirement. An example might include specific requirements for public berthing, access to the watersheet, or maintenance of the navigation channel. To the extent feasible, the Municipal Harbor Plan will link amplifications to specific regulatory provisions or in the situations where the amplifications cut across individual regulatory provisions, provide DEP with clear direction about the intended regulatory application.

7.5 FORT POINT CHANNEL DOWNTOWN MUNICIPAL HARBOR PLAN PHASE I SCHEDULE

The BRA will meet with the MHPAC on a regular basis. The following is a list of proposed topics for each of the MPHAC meetings

- Meeting 1: Preliminary discussion with MHP Committee
- Meeting 2: Review 1st draft of RNTP with Committee
- Meeting 3: Review 2nd draft of RNTP with Committee
- Meeting 4: Presentations by property owners/developers
- Meeting 5 : Presentation/Discussion of Planning Context
Presentation by Central Artery Project
- Meeting 6: Presentation/Discussion Watersheet Activation Plan
- Meeting 7 : Discussion Substitute Provisions/Offsets/Amplifications
- Meeting 8 : Discussion /Offsets/Amplifications
- Meeting 9 : Draft Substitute Provisions/Offsets/Amplifications
- Meeting 10 : Draft MHP



Figure 1
Planning Area Boundary
Fort Point Downtown MHP Area



Figure 2
Land Use Map
Fort Point Downtown MHP Area

APPENDIX A:

MUNICIPAL HARBOR PLAN ADVISORY COMMITTEE

CHAIR

Rod Macdonald

NEIGHBORHOOD REPRESENTATIVES

East Boston

Karen Buttiglieri

Karen Maddalena (Alternate)

Eleanor Saraceni

Scott Smith

Robert Strelitz

Charlestown

Dennis Callahan

South Boston

Rod Macdonald

(Committee Chair, see above)

Dorchester

Victor Campbell

EX OFFICIO

Councillor Paul Scapicchio

Boston City Council

Councillor James M. Kelly

Boston City Council

Representative Martin Walsh

Massachusetts State House

Senator Stephen F. Lynch

Massachusetts State House

Representative John A. Hart, Jr.

Massachusetts State House

GOVERNMENT REPRESENTATIVES

Massachusetts Development Finance Agency

Michael Hogan, Executive Director

David Slatery, Chief Counsel (Alternate)

Massachusetts Port Authority

Richard Henderson, Director of Planning and Development

Metropolitan District Commission

Julie O'Brien, Planning Director

Massachusetts Water Resources Authority

Marianne Connolly, Program Manager Coordination

Lorraine Downey, Manager – Basin Water & Sewer Divisions (Alternate)

Executive Office of Transportation and Construction

Kevin J. Sullivan, Secretary

Astrid Glynn, Director of Intermodal Policy and Programs (Alternate)

Boston Environment Department

Nancy Grilk, Chief of Staff

Bradford Swing (Alternate)

AT-LARGE REPRESENTATIVES

The Boston Harbor Association

Vivien Li, Executive Director

Save the Harbor/Save the Bay

Bruce Berman

Patty Foley (Alternate)

City of Boston Office of Civil Rights

Stephen Spinetto

The Children's Museum

Neil Gordon, Vice President/Chief Financial Officer

The New England Aquarium

Captain H. Gregory Ketchen, Vice President of Operations

Roxbury YMCA

Harold Sparrow, Director

Artery Business Committee

Richard Dimino, President and CEO

Bissera Antikarov, Manager of Urban Design and Planning (Alternate)

Community Representative

Earl Moore

Boston Shipping Association, Inc.

A. Ross Pope, President

Al Frizelle, Executive Director (Alternate)

Greater Boston Chamber of Commerce

Jim Klocke

University of Massachusetts/Boston

Urban Harbors Institute

Richard F. Delaney, Director

Jack Wiggin, Assistant Director (Alternate)

National Park Service

Terry W. Savage, Superintendent

Sarah Peskin (Alternate)

Conservation Law Foundation

Stephanie Pollack

Seth Kaplan (Alternate)

Boston Society of Architects

Todd Lee

Boston Natural Areas Fund

Valerie Burns

Greater Boston Real Estate Board

Joy Conway

